

To: Paula Maccabee[pmaccabee@justchangelaw.com]
Cc: Lotthammer, Shannon (MPCA)[shannon.lotthammer@state.mn.us]; Engelking, Pat (MPCA)[pat.engelking@state.mn.us]; Pfeifer, David[pfeifer.david@epa.gov]; Wester, Barbara[wester.barbara@epa.gov]
From: Wagener, Christine
Sent: Mon 4/21/2014 3:21:30 PM
Subject: RE: Wild Rice Sulfate Standard Study - Preliminary Analysis

Hi Paula,

Thank you for keeping EPA in the loop. As you know, US EPA is the final approval authority on any water quality standard or any changes to a water quality standard that a state wishes to propose.

Chris

Christine M. Wagener, PhD

Scientist, Water Quality Standards Branch

US EPA R5

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From: Paula Maccabee [mailto:pmaccabee@justchangelaw.com]
Sent: Friday, April 18, 2014 4:38 PM
To: Wagener, Christine; Wester, Barbara
Subject: FW: Wild Rice Sulfate Standard Study - Preliminary Analysis

Hello, Chris. Below please find an email that I sent yesterday to EPA regarding the Wild Rice Sulfate Standard Study process. Please feel free to contact me if you have questions.

Paula

From: Paula Maccabee <pmaccabee@justchangelaw.com>
Date: Thursday, April 17, 2014 1:00 PM
To: "Lotthammer, Shannon (MPCA)" <shannon.lotthammer@state.mn.us>
Cc: "Engelking, Pat (MPCA)" <pat.engelking@state.mn.us>
Subject: Wild Rice Sulfate Standard Study - Preliminary Analysis

Dear Shannon:

Yesterday's meeting on the MPCA's Preliminary Analysis for the Wild Rice Sulfate Standard Study was very helpful. WaterLegacy appreciates the time taken to understand our concerns and those of other committee members not only about the information in the MPCA's Preliminary Analysis, but about the information that was not discussed or was discussed in only a tangential and tertiary way in the Preliminary Analysis.

Based on the meeting yesterday, we have the following suggestions about the process:

- 1) That the MPCA prepare a review document that addresses the many gaps in information identified in yesterday's discussion, including but not limited to: the lack of discussion regarding field data correlating wild rice abundance and low sulfate; the process of selection of anomalous areas where wild rice was present despite high sulfate levels to conduct analysis regarding sulfide and iron; the actual distributions of data regarding wild rice and sulfate; the findings of the mesocosm container studies; the results from N. Johnson's research regarding conversion of sulfate to sulfide at low temperatures; the effects of sulfate on seed viability and weight; the presence and significance of blackened roots from iron sulfide deposition; the scientific basis (if any) supporting a seasonal limitation on application of the wild rice standard; and the characterization of the source and chemical nature of iron about which the MPCA is drawing conclusions. (Suggested date for revised document – May 15, 2014)
- 2) That the MPCA's review document and technical charge, reflecting yesterday's Committee discussion, as well as the complete studies and literature collection supporting the research and any other documents provided to the peer reviewers also be simultaneously provided to the Advisory Committee. (Suggested date – May 15, 2014)
- 3) That from the date the MPCA review document and technical charge are provided to the peer review committee and the Advisory Committee, Advisory Committee members have at least 2 weeks to send their comments to the peer reviewers. If the MPCA proposes that the Agency will be the conduit to the peer review committee, we would request assurance that all materials submitted will, in fact, be sent to the peer reviewers. (Suggested date – June 1, 2014)
- 4) That the peer review panel meeting be scheduled to ensure sufficient time for consideration of the MPCA review document, underlying studies and literature and Advisory Committee comments. (Suggested date – last week in July or first week in August, 2014)

WaterLegacy believes that the additional steps and transparency requested above would help repair the trust that this process is open, objective and reflects the full range of applicable science pertinent to protecting natural stands of wild rice.

We look forward to your response.

Sincerely,

Paula Maccabee, Esq.

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